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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503			KHATRI, PRANAV V	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,388

Applicant(s)

FOOTE ET AL.

Examiner

Pranav V. Khatri

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 7 recites the limitation "the base frame" in lines 8 and 9, page 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 7, 8, 14, 15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Polzer (US Patent No. 4,856,886).

Regarding claim 1, Polzer discloses a vehicular rearview mirror assembly (abstract), comprising: a base assembly (fig 3, numeral 3) adapted for mounting the rearview mirror assembly to a vehicle (abstract), said base assembly (3) including an extension arm (60) extending therefrom (as seen in fig 1); a reflective element (21) attaching to the extension arm (60) for providing an occupant of the vehicle with a rearward view; and wherein the reflective element (21) is slidably movable (as see in fig 3, dotted and solid lines) along the extension arm (60) via a plurality of low friction bearings (24, 59, 30 with ball) interposed between the extension arm (60) and the reflective element (21) for facilitating movement of the reflective element relative to the base assembly (dotted and solid lines seen in figure 3); said plurality of low friction

bearings comprising at least one of a ball bearing (24, 59, 30 with ball bearing) and a roller bearing.

Regarding claims 2, 5, 8, 15 and 18, Polzer discloses wherein the plurality of low friction bearings comprises a ball bearing (24, 59 and 30 are ball bearings).

Regarding claim 4, Polzer discloses wherein the reflective element (numeral 21) further comprises a mounting frame (18) attached to the reflective element (21), and the plurality of low friction bearings (24, 59, 30) is interposed between the extension arm (60) and the mounting frame (18) for facilitating the movement of the mounting frame relative to the base assembly (fig 3, solid and dashed lines).

Regarding claim 7, Polzer discloses wherein the base assembly (3) extension arm (60) is connected to the base assembly (3) by a moveable connection (62) and the plurality of low friction bearings (24, 59, 30) is interposed between the extension arm (60) and the base frame (1 with 3) for facilitating the movement (see fig 1, the dotted and solid lines) of the extension arm (60) relative to the base frame (1 with 3).

Regarding claim 14, Polzer discloses a vehicular rearview mirror assembly, comprising: a reflective element (21) mounted to a mounting frame (18) for providing an occupant of the vehicle with a rearward view; an extension arm (60) mounted to a vehicle (abstract) and moveably attached to the reflective element assembly (fig 1, dotted and solid lines for pivoting); and a plurality of low friction bearings (24, 59, 30) interposed between the mounting frame (18) and the extension arm (60) for facilitating movement of the reflective element (21) relative to the extension arm (60).

Regarding claim 17, Polzer discloses vehicular rearview mirror assembly, comprising: a base assembly (3) comprising a base frame (1 with 3) for mounting the rearview mirror assembly to a vehicle (Abstract); at least one support arm (60) for supporting a reflective element (21) and moveably connected (fig 3, dotted and solid lines) to the base frame (1 with 3) for selectively folding the reflective element against the vehicle and extending the reflective element away from the vehicle (Fig. 3 dotted and solid lines); and a plurality of low friction bearings (24, 59, 30) interposed between the base frame (1 with 3) and the at least one support arm (60) for facilitating movement of the reflective element relative to the vehicle.

Claims 1, 2, 4, 5, 7, 8, 10, 11, 12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Leonberger (US Patent No. 5,600,497).

Regarding claim 1, Leonberger discloses a vehicular rearview mirror assembly (abstract), comprising: a base assembly (fig 1-4, numeral 1) adapted for mounting the rearview mirror assembly to a vehicle (Col 3 lines 25-27), said base assembly (1) including an extension arm (13) extending therefrom (as seen in fig 1); a reflective element (37) attaching to the extension arm (13) for providing an occupant of the vehicle with a rearward view; and wherein the reflective element (37) is slidably movable (as see in fig 2, Col 5 lines 42-47) along the extension arm (13) via a plurality of low friction bearings (20 with 21, 35 with 31, and 29 with 27; the extension arm 13 is connected to ball member 29, and ball member 29 is connected to ball member 35 via pushrod 24) interposed between the extension arm (13) and the reflective element (37) for facilitating movement of the reflective element relative to the base assembly (Col 5

lines 42-52); said plurality of low friction bearings comprising at least one of a ball bearing (20 with 21, 35 with 31, and 29 with 27, Col 4 lines 40-41 and lines 24-26) and a roller bearing.

Regarding claims 2, 5, 8, 12 and 15 Leonberger discloses wherein the plurality of low friction bearings comprises a ball bearing (see Leonberger numerals 20 with 21, 35 with 31, and 29 with 27, Col 4 lines 40-41 and lines 24-26).

Regarding claim 4, Leonberger discloses wherein the reflective element (numeral 37) further comprises a mounting frame (3) attached to the reflective element (37), and the plurality of low friction bearings (20 with 21, 35 with 31, and 29 with 27) is interposed between the extension arm (13) and the mounting frame (3) for facilitating the movement of the mounting frame relative to the base assembly (fig 2, solid and dashed lines).

Regarding claim 7, Leonberger discloses wherein the base assembly (Fig. 1 numeral 1) extension arm (13) is connected to the base assembly (1) by a moveable connection (11) and the plurality of low friction bearings (20 with 21, 35 with 31, and 29 with 27) is interposed between the extension arm (13) and the base frame (2 with 1) for facilitating the movement (see fig 2, the dotted and solid lines) of the extension arm (13) relative to the base frame (2 with 1).

Regarding claim 10, Leonberger discloses wherein the moveable connection (11) comprises a pivot connection (see Leonberger Fig 2 dotted and solid lines of Numeral 15, 18, and 41 with 13 and 11), the base assembly (1) comprises parallel spaced-apart flanges (numeral 18 is a connecting piece, the connecting piece is circular on the right

side, two flanges in parallel are provided before the two catches 14 and 16 are shown to be protruding in opposite directions; furthermore, the extension arm 13 is interpreted to be interposed between the two flanges before the two catches protrude in opposite direction), and the extension arm (13) is interposed between the parallel flanges to form the pivot connection.

Regarding claim 11, Leonberger discloses wherein the plurality of low friction bearings (20 with 21, 35 with 31, and 29 with 27) is interposed between the extension arm (13) and the parallel flanges (numeral 18 is a connecting piece, the connecting piece is circular on the right side, two flanges in parallel are provided before the two catches 14 and 16 are shown to be protruding in opposite directions).

Regarding claim 14, Leonberger discloses a vehicular rearview mirror assembly, comprising: a reflective element (37) mounted to a mounting frame (3) for providing an occupant of the vehicle with a rearward view; an extension arm (13) mounted to a vehicle (Col 3 lines 25-27) and moveably attached to the reflective element assembly (fig 2, dotted and solid lines for pivoting); and a plurality of low friction bearings (36 with 32, 30 with 28, 35 with 31, and 29 with 27) interposed between the mounting frame (3) and the extension arm (13) for facilitating movement of the reflective element (37) relative to the extension arm (13).

Claims 17, 18, 20, 21, 22, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Leonberger (US Patent No. 5,909,326).

Regarding claim 17, Leonberger discloses vehicular rearview mirror assembly, comprising: a base assembly (Fig. 4) comprising a base frame (Fig. 4 Numeral 3) for mounting the rearview mirror assembly to a vehicle (Abstract Line 1); at least one support arm (13) for supporting a reflective element (5) and moveably connected (Col 3 Lines 14-19 and Fig. 5 Numeral 13) to the base frame (3) for selectively folding the reflective element against the vehicle and extending the reflective element away from the vehicle (Fig. 5 dotted and solid lines, Numeral 4); and a plurality of low friction bearings (Fig. 4 Numeral 8, 22 with 23, and 24 with 25) interposed between the base frame (3) and the at least one support arm (13) for facilitating movement of the reflective element relative to the vehicle.

Regarding claims 18 and 22, Leonberger discloses wherein the plurality of low friction bearings (Fig. 3 Numeral 22 with 23, and 24 with 25) comprises a ball bearing (see Leonberger Col 4 Lines 3-4 and Fig. 4 Numeral 22 with 23, and 24 with 25).

Regarding claim 20, Leonberger discloses wherein the moveable connection (Col 3 Lines 14-19 and Fig. 5 Numeral 13) comprises a pivot connection (11), the base frame (3) comprises parallel spaced-apart flanges (in another embodiment Fig. 3 Numeral 17 and 18), and the at least one support arm (13) is interposed between the parallel flanges (Col 4 Lines 11-12) to form the pivot connection.

Regarding claim 21, Leonberger discloses wherein the plurality of low friction bearings (Fig. 3 Numeral 8, 22 with 23, and 24 with 25) is interposed between the at least one arm (13) and the parallel flanges (17 and 18).

Regarding claim 24, Leonberger discloses a vehicular rearview mirror assembly, comprising: a base assembly (Fig. 4) comprising a base frame (3) for mounting the rearview mirror assembly to a vehicle; at least one support arm (13) for supporting a reflective element (5) and pivotably (11) connected to the base frame (3) for selectively folding the reflective element against the vehicle and extending the reflective element away from the vehicle (Fig. 5 dotted and solid lines, Numeral 4); and a pair of parallel spaced-apart flanges (in another embodiment Fig. 3 Numeral 17 and 18), wherein the at least one support arm (13) is interposed between the parallel flanges (Col 4 Lines 11-12) to form the pivot connection.

Regarding claim 25, Leonberger discloses wherein the pivot connection (Fig. 3 Numeral 22 with 23, and 24 with 25) comprises a ball bearing (see Leonberger Col 4 Lines 3-4 and Fig. 4 Numeral 22 with 23, and 24 with 25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, 9, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leonberger (US Patent No. 5,600,497) in view of Mazurek et al. (US Patent No. 5,984,483).

Regarding claims 3, 6, 9, 13 and 16, Leonberger discloses the claimed invention as set forth above. Leonberger lacks the teaching wherein the plurality of low friction bearings comprises a roller bearing.

However, Mazurek et al. discloses wherein the plurality of low friction bearings comprises a roller bearing (fig 1 and 3, numeral 20, and Col 8 lines 36-56).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the rearview mirror of Leonberger with a roller bearing moving rearview mirror of Mazurek et al. for the purpose of allowing another mechanism to pivot or move the extension arm in relation to the mirror. Since examiner takes Official Notice of the equivalence of a roller and ball bearings for their use in the moving or pivoting of the extension arm art and the selection of any of these known equivalents to be within the level of ordinary skill in the art.

Claims 19, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leonberger (US Patent No. 5,600,497) in view of Mazurek et al. (US Patent No. 5,984,483).

Regarding claims 19, 23 and 26, Leonberger discloses the claimed invention as set forth above. Leonberger lacks the teaching wherein the plurality of low friction bearings comprises a roller bearing.

However, Mazurek et al. discloses wherein the plurality of low friction bearings comprises a roller bearing (fig 1 and 3, numeral 20, and Col 8 lines 36-56).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the rearview mirror of Leonberger with a roller bearing

moving rearview mirror of Mazurek et al. for the purpose of allowing another mechanism to pivot or move the extension arm in relation to the mirror. Since examiner takes Official Notice of the equivalence of a roller and ball bearings for their use in the moving or pivoting of the extension arm art and the selection of any of these known equivalents to be within the level of ordinary skill in the art.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 have been considered but are moot in view of the new ground(s) of rejection.

In regards to claims 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, applicant's arguments filed November 28, 2005 have been fully considered but they are not persuasive. The applicant amended claim 17 to be a **plurality of** low friction bearings interposed between the base frame and the at least one support arm for facilitating movement of the reflective element to the vehicle. Applicants amendment in claim 17 fails to overcome the Leonberger reference (5,909,326), because Leonberger (5,909,326) shows a **plurality of** low friction bearings (8, and 22 with 23) interposed or inserted between the base frame (3) and the at least one support arm (13) as seen in figure 4. The applicant failed to provide an amendment for claim 24, the claim as presented would not over come the Leonberger reference (5,909,326). Furthermore,

the reference teaches all the features which are claimed as seen in the rejection of claim 24 above.

Conclusion


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pranav V. Khatri whose telephone number is 571-272-8311. The examiner can normally be reached on M-F, 8:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pranav Khatri 
Examiner
01/24/2006


EUNCHAR P. CHERRY
PRIMARY EXAMINER